

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Samuel I. Cox,

Case No. 24-cv-1683 (JRT/DLM)

Plaintiff,

v.

Commissioner of Department of Human
Services, Jane Doe/John Doe; Sara Kulas,
Jane/John Doe—Department of Human
Services Mailroom Supervisor; Jane/John
Doe, Mailroom Employee(s); and Phil
Olson, 1C Unit Director, sued in their
individual and official capacities,

Defendants.

**REPORT AND
RECOMMENDATION**

Plaintiff Samuel Cox filed a civil complaint on May 8, 2024. (Doc. 1.) Mr. Cox did not pay the filing fee, but instead applied to proceed *in forma pauperis* (“IFP”). (Doc. 2.) The Court denied Mr. Cox’s application on June 20, 2024, and ordered him to pay the full filing fee of \$405 within 20 days of that date. (*See generally*, Doc. 5.) The Court also cautioned Mr. Cox that if he did not pay the full filing fee within 20 days, the Court would recommend that his case be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. (*Id.*)

The deadline for Mr. Cox to pay the full filing fee has passed without payment, and the Court has not heard from Mr. Cox since he filed his complaint and IFP application on May 8, 2024. Accordingly, based on all the files, records, and proceedings in this case, the Court **RECOMMENDS** that:

1. Mr. Cox's action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Date: July 31, 2024

s/Douglas L. Micko

DOUGLAS L. MICKO

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served with a copy" of the Report and Recommendation.

A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).